1

CLASS B

App. F. IX—6

Previous Reference 1963. (ಸಂಖ್ಯೆ—)B

File No. AFD 51 FA F63

Serial Nos.

Later References.

Agriculture & Forest Department.

THE MYSORE GOVERNMENT SECRETARIAT.

Serial Nos

Part B for

SUBJECT

Contract over private F.S. No. 12 & 13 of Devachihatti Tq. Khanapur, Distt: Belgaum

WD 08808—GPB—2,00,000—1-5-61

8/5/63 FDR

8/10/63

FOR/NOT FOR NOTE BOOK
UNDER SECRETARY
M. N. Ansari
for Under Secretary to Govt.

A
26.04

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿ
ಶಾಸ್ತ್ರ ಇಲಾಖೆ (ಅರಣ್ಯ-ಬಿ)

AFD 51 FAF 63

2

Letter no. B6-41-33924/62 of 3-5-1963 of the ccf

D. no. 3824/63.

Put in for perusal. The ccf has sent the draft notifn. u/s 35(1) of the I.F.A., and has stated that the area is fit for being brought u/s 35(1) which is in force in Belgaum dt., He has requested for publication of the draft notifn.

May be referred to R.D for concurrence.

GOVERNMENT OF MYSORE
4272
4 MAY 1963

Office of the Registrar
R.D.
Date. 10 MAY 1963
3750

SR 8/5/63 — R.D) 9/5/63

2) R.D. may agree and return the P/s. to A&FD.

A 10/5 — SR 17/5/63 — A) 18/5

MYSORE GOVT. SECRETARIAT
332
20 MAY 1963
AGRI. & FOREST DEPT. (TAPPAL)

3) Before issue of the draft notifn., R.D may see.

MYSORE GOVT. SECRETARIAT
1156
23 MAY 1963
LAND DEPT (REGISTRATION)

20/5/63 — SR 22/5/63

S.M.C.K.R 22/5/63 — U/S-DI 22/5/63 — SR 24/5/63 — R.D)

3

A56LAWVII/63

LAW DEPARTMENT.

4) According to section 35(1) of the Indian Forest Act, the State Government may, by notification, regulate or prohibit in any forest or waste land the breaking or clearing of lands for cultivation, etc. when such regulation or prohibition appears necessary for any of the purposes specified in the said sub-section. Under sub-section (3) a notice to the owner of the concerned forest or land calling on him to show cause why such notification should not be made, should be issued and he should be given the opportunity to file his objections and adduce any evidence which he may produce. Whether these formalities have been observed in the present case are not clear. This should be verified. Besides, in the draft both the alternatives, namely, regulation or prohibition are mentioned. What exactly is proposed to be done should be indicated and the irrelevant portions struck of. The Administrative Secretariat may kindly do so and revise the draft accordingly.

MYSORE GOVT. SECRETARIAT
No. 451
7 JUN 1953
AGRL. & FOREST DEPT. (TAPPAL SEC

AT 7 Aug) MNR 5/6

M. L. RAMASWAMI,
Under Secretary, Law Dept

2/7/6

AFD 51 FAF 63 4

Mysore Government Secretariat

File No. of 196 [App. F. III 2

Serial No.

Reference para 4 n/f.

5) Please see the report of the Divisional Forest Officer, Belgaum Division, Belgaum. It is stated that a notice was issued u/s 35(3) of the I.F.A., 1927 in respect of Private S.Nos. requesting the owner of the said S.Nos. to show cause within two months from the date of receipt of the notice. Accordingly, the owner of the S.Nos. has intimated his objections, and the remarks of the D.F.O. ~~thereon~~ may pl. be perused. He ~~has also~~ felt that the S.Nos. adjoins the reserve forest and forms a compact block. The C.C.F. also states that the objections raised by the owner of the S.Nos. have been replied by the D.F.O. and hence he has no objection for the issue of the Draft Notification.

x 5 c/7

7 c/7

6) However, in this connection it can be stated that it is the responsibility of the C.C.F. to observe all the formalities that require under the I.F.A., before submitting such proposals to ~~the~~ Government for approval.

7) However, if approved to, we may address the C.C.F. w/r to para 4 n/f.

For orders,

DR 10/6/63

8) Please put up draft to C.C.F.

3-11/6

9/CF.

BR 14/6/63

9) Sft to CCF in put up. (Ref. para 4 & n/f.)

DR 17/6

17/6.

Issue 19/6/62

Issued on 21-6-63

Note.—Contn. Sheet

File No. AFD 51 FAE of 1963

Mysore Government Secretariat

Serial No. GHALAW VII/63

D. No. 5637/63.

W-pad is for perusal. In view of the report of the C.C.F, the Off notifn may now be issued, after perusal of the file by L.D w/r to para 12 n/7

DR 18/7

For perusal before issue

L.D) 23/7/63

23/7/63

U/S - DF 24/7/63

25/7

Sr. C.K.R 26/7/63

MYSORE GOVT. SECRETARIAT No. 644 23 JUL 1963 Sec. 7 LAW DEPT. (REGISTRY)

LAW DEPARTMENT

11) The draft at pages 9-11 is revised.

A.S. 7 ALOT) 31/8

M. L. RAMASWAMY,
Under Secretary, Law Dept.

12) The Off notifn may now be issued.

DR 5/9 2/9

13) Draft Notification may be approved. This has been scrutinised by L.D.

This is to notify the taking under control over private

MYSORE GOVT. SECRETARIAT 962 4 SEP 1963 AGRL. & FOREST DEPT. (TAPAL SECTION)

4/9/63

6

AFD 51 FAF 63

Forest Survey No 12 & 13 of Devachihatti, Khanapur Tq.

under Sec 35 (1) of Indian Forest Act which is in force in Belgaum Dt.

DEPUTY SECRETARY TO GOVT. AGRICULTURE & FOREST DEPTT. No 5958 12 SEP 1963

D. S.

JR
11/9/63.

AGRICULTURE & FOREST SECRETARY GOVERNMENT OF MYSORE 4791 12 SEP 1963

Secy.

For Kind appr.
Y. C. HONNALAYYA,
Secretary to Government,
Agriculture & Forest Department.

OFFICE OF THE MINISTER FOR FORESTS & FISHERIES BANGALORE. No. 2400 16 SEP 1963

Minister for Forests

Approved
BR 19.9.63
B. RACHAIAH,
Minister for Forests,
Fisheries and Sericulture.

S A & F)

AGRICULTURE & FOREST SECRETARY GOVERNMENT OF MYSORE 4791 20 SEP 1963

21-9

Issue
21/9/63

B
8/X/63

ISSUED
Date 7/10/1963

No. B-6-G1-33927/62.

Enc - 4

Office of the Chief Conservator of Forests in Mysore, Bangalore.
Dated, 3.5.63

To

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

Sub:- Control over private forest Survey Nos. 12 & 13 of Devachihatti, Taluka Khanapur, District Belgaum.

I enclose herewith letter No. FOP-FST-1778-11/62-63 dated 15-2-1963 received from the Conservator of Forests, Belgaum. The area is reported to be fit from being brought under section 35(1) of the Indian Forest Act which is in force in Belgaum District. The objections raised by the owner of the Survey Nos. have been replied by the Divisional Forest Officer, Belgaum and there is no objection to notify the Survey Nos in question under section 35(1) of the Indian Forest Act. Government may therefore kindly be moved to issue the draft notification for publication in the Mysore Gazette with instruction to the compiler of the Gazette to supply 25 copies of the printed notification to the Divisional Forest Officer Belgaum and 5 copies to the Conservator of Forests, Belgaum.

Yours faithfully,

Chief Conservator of Forests.

kcs/

MYSORE GOVERNMENT SECRETARIAT
4 MAY 1963
AGRI. & FOREST DEPARTMENT
MUNICIPAL SECTION

MYSORE GOVERNMENT SECRETARIAT
No. 2827
7 MAY 1963
FOREST BRANCH

No.FOP/FST/1778-11/62-63. Belgaum, 15 February, 63.

To

The Chief Conservator of Forests
in Mysore, Bangalore.

Sir,

Subject:-Control over private forests - Sy.Nos. 12 and 13 of Devachihatti, Taluka Khanapur.

I am submitting herewith letter No.FOP/AFR/417-8 of 30-1-1963 from the Divisional Forest Officer, Belgaum, in duplicate, along with the four copies of the draft notification under Section 35(1) of the Indian Forest Act, 1927, in respect of the above Sy.Nos. and also the objection statement of the owner of the Sy.Nos. for favour of perusal and taking further action.

2. A notice under Section 35(3) of the I.F.A.1927 issued by the Conservator of Forests, B.C. under this office No.24/16/10069 of 27-10-1959 was served on the owner on 1-12-1959. The notice has also appeared in Government gazette dated 14-1-1960 in Part III Section 2. Government may therefore kindly be moved to issue the notification under section 35(1) of the Indian Forest Act, 1927, in the Mysore Government Gazette and arrange to supply 25 copies of the notifications to the D.F.O., Belgaum and 5 copies to this office.

Yours faithfully,

(C.Jayaram Reddy)
Conservator of Forests,
Belgaum Circle.

9/5

L E T T E R.

Subject:- Control orver private Forests S.Nos.12 and 13 of Devachihatti Taluka Khanapur

No.FOP/AFR/ 417/8 of 1962-63.
Belgaum, 30th January 1963.

To

The Conservator of Forests,
Belgaum Circle,
Belgaum.

Notice issued under your No.24/16/10069 dated 27.10.1959 under Section 35(3) of the Indian Forest Act 1927 in respect of Private Sy.Nos.12 and 13 of Devachihatti village in Khanapur Taluka requiring the owner of the said S.Nos. to show cause within two months from the date of receipt of the notice why notification under Section 35(1) of the I.F.A. should not be issued, is served on him on 1.12.1959. The notice is dated 14.1.1960 in part III Section 2. In reply to this the owner has intimated his objections by his petition dated 7.1.1960 copy enclosed. My remarks on the objections are as under:-

Para 1,2 and 3: No remarks.

Para 4 and 5: The ownership over the land will not be affected and the rights in noway with drawn.

Para 6: All cultivated and cultivable land is excluded from the application of Section 35 of I.F.A.

Para 7: Cutting of grass is allowed and even grazing of cattle is allowed as per prescriptions of Model Rules.

Para 8: Indescriminate hacking of tree growth is restricted Firewood preparation for domestic purposes is permissible from the dead and dying trees and quarrying of stones and earth is also allowable from recognised quarries in the area.

Para 9: This is not restricted. Hence no remarks.

Para 10: No remarks.

Para 11: Ownership on forest produce is not questioned. As a measure to safeguard National wealth, it is restricted from indescriminate felling of trees.

Para 12: No remarks.

Para 13: Cultivable are are excluded from the application of Section 35 of I.F.A.

Para 14,15 & 16: Ownership or the rights in no way questioned. By working the area on a sustained yield basis the ~~x~~ income will stabilise and it will be in the owner's interest only. Since the systematic management ensures yield in perpetrity.

Para 17: Cattle grazing is allowable as per Model Rules.

Para 18: Felling in the area needs to be regularised in the interest of National wealth.

Para 19: Indescriminate felling of tree gorwth is restricted. Systematic working as per Model Rules is enforced. Cultivated and cultivable land is ~~xx~~ excluded from the application of section 35 of Indian Forest Act.,1927.

The S.Nos. are fit for application of Section 35 of I.F.A. 1927. They are adjoining reserved forest having coppice growth These two S.Nos. form a compact block of 206 Acres 25 gunthas adjoining rese ved forest of Khanapur Range.

A draft notification in quadruplicate is submitted herewith for taking further action in the matter. This office file (Page 1 to 85) is also submitted for reference and return.

(Syed Hussain)
Divisional Forest Officer,
Belgaum Division, Belgaum.

SRJ.28.1.

for medicine. They use to make [illegible] of it some for their domestic medicines. They do this with my permission, paying reasonable charges.

10. We have appointed a Forest Guard to look into this matter and the report is sent to my office. No application is sanctioned without the report of my forest guard. He is now given a discharge. I will appoint another forest guard to guard my forest.

11. All my fallow and forest lands are resurveyed and settled and now I am paying full assessment for the same.

12.11. I sell woods of all sorts excluding, Sheesham, teak and sandalwood and bamboo in my Inam villages and lands in various villages to the contractors who pay me my price, for cutting from a period of one to five years. I also sell honey, Chikkai Kharidru, Nithu, Shetth, Salaghi, small pepta, Apta le ved, Bidha and all sorts of forest products produced in the said lands. My contractors who purchased wood from me require to prepare charcoal from firewood. They apply for permission and I allow them to prepare after I get permission.

13. I have given wood and bamboos for cutting for a period of five years ending on 30th June 1940 to Shri Yasin Hussaneesa [illegible] of Shimoga in [illegible] mentioned in the notice.

14. I have given for cultivation the lands mentioned in the notice to raise Hangani crops such as Maldana, Jowar, Ragi, Harga as they are big in size. So they take crops turn by turn.

15. I was paying the income tax for the forest income.

16. I have had mines and mineral rights to take out Bauxite, earth, sand and all kinds of metal stones in the said lands. At present no trees are found except [illegible], sandalwood, teak and Sheesham, Bengo, Jack fruit trees and Jambu[illegible] useful for fire and timber used mentioned in the second schedule.

18. If you strictly apply the section 35 of Indian Forest Act, 1927 my source of income in forest is automatically going down and it is very hard for me to pull on my life and maintain my family. I am affected by any rents which suffered financially and mentally.

17. The villagers will be deprived of their rights to maintain their lands and cattle.

18. I will abide by rules of cutting wood by contract.

19. I further request you kindly not to interfere my contracts given for cutting and cultivation of lands for Hangani crops.

So is my say to the two schedules attached to the notice.

I request you kindly to think over the present position of the land owners and inamdars and hence the notice should not be applied at this juncture.

.....

12/7

Copy of application dated 7.1.1960 from Shrimati Gandor Jagojirao Patajirao Sir-desai of Jamboti addressed to the Divisional Forest Officer, Belgaum.

....

Subject:- Objections to notice under 35 section.

1. I have received a notice under No.24/16/1070 from the Conservator of Forests, B.C. on 1.12.1959 as per notification of the Governor of Mysore, Agricultural and Forest Department No.51/3/40513-J dated 13.9.195 under section 35 of Indian Forest Act XVI of 1927, in respect of my lands S.No.Area in my Devachiwadi 12+13

village Taluka Khanapur Dist. Belgaum.

2. I am asked to give in writing my say to all clauses in sub-section of section 35 of the Indian Forest Act XVI 1927 and rules mentioned in two schedules attached to the notice before the Divisional Forest Officer, Belgaum within the period of six months from the receipt of this notice.

3. My say to all clauses of sub- sections of Sec.35 of the Indian Forest Act, XVI of 1927. The survey was mentioned in the notice viz. Area are in my then Chodedurg, Devachiwadi village, Taluka Khanapur District Belgaum and they are surveyed as net land.

4. I have paid the occupancy price and regranted the land on my name in 1953 I received no compensation for the loss of all rights, including forest rights ( ) and mine and mineral rights, formerly enjoyed by me.

5. (These lands mentioned above are Devastan lands and I am the owner of the soil and revenue. I have right to sell earth, stones, and mines and minerals in the said lands.

6. My tenants are inferior holders, residing in Chodedurg and Devachiwadi and as they have no sufficient lands to raise crops, such as paddy etc., in the said villages. So they take cleared forest lands to raise Hangami crops Maemna, Jowar, Nari, Varge on the Hangami lease for a period lasting from five years. After that period the lands become fallow. This is their main source of income to maintain their livelihood. No other resources for their maintenance are existing. If they are not getting the lands for raising Hangami crops it is too difficult to pass the daily routine of life. By raising crops in cleared forest, the forest is not affected at all. Before cultivating the lands in cleared forest they cut small shrubs and leaves of trees fallen further all wild grass and spread all on lands and they burnt them. This process is quite essential to raise Hangami crops in forest and Sirugas lands. They are quite aware of the spread fire all around.

7. In such lands no good grass is found to graze the cattle and is useful to cut it for house-hold purpose. So they cut green and immature leaves of trees and use them as fodder to their cattle at home and the cattle who go about the jungle for the same purpose. This is not affected the Government or other forests.

8. The villagers use to cut the dried stumps of trees for firewood in their home. If they required wood for building purposes and sambra. They apply for cutting the wood for the purpose of building house and firewood. They take permission to take earth, stones from above lands for erecting the house. They first stem the trees by their axes and leave them as they are for a period of six months and then prepare firewood for the domestic purposes.

Stencil (4)

13 9

NOTIFICATION.

Whereas a notice has been issued under sub-section (3) of Section 35 of the Indian Forest Act, 1927, to Shri Mangesh Dattatraya, the owner of the Forest specified in the schedule hereto annexed, to show cause why a notification under sub-section (1) of Section 35 of the said Act, should not be made prohibiting or regulating the acts specified in the draft notification attached to the said notice; (Sir desai Bungalow No 128 Camp Belgaum)

And whereas the objections raised by the said owner to the issue of a notification and evidence produced by him have been heard and considered by Government;

~~And whereas no objections have been taken by the said owner to the issue of a notification;~~

And whereas it appears to the Government of Mysore that it is necessary:—

(a) For the conservation of trees and forests;

(b) For the preservation and improvement of soil or the protection of land against erosion or the deposit thereon of sand, stones or gravel;

(c) For the improvement of grazing;

(d) For the maintenance of water supply in springs, rivers and tanks;

(e) For the maintenance, increase and distribution of the supply of fodder, leaf manure, timber and fuel;

(f) For the preservation of public health; ~~and~~

(A) To prohibit in the Forests specified in the said Schedule ~~(appended here to)~~ the following acts:—

(a) Breaking or clearing of the land for cultivation;

(b) Setting of fire to the area for the purpose of clearing the ground for Shikar or for promoting better growth of grass. If any fire occurs by accident all possible measures to extinguish it shall be taken by the owner promptly.

(c) Burning of any tree in the land even if it is dead for the purpose of hunting or collection of honey;

(d) Lopping of trees of the following species for the purpose of tahal:—

Teak, Mango, Sissum, Moha, Hirda, Khair, Bibbla *i.e.*, Honni, Shivan, Chandan, Apta and Temburni; ~~and~~

(B) To regulate in the forests specified in the said Schedule ~~(appended hereto)~~ the following acts:—

(a) Marking of trees in flat areas and moderate slopes shall be done on sylvicultural principles approved by the Divisional Forest Officer, Belgaum. and in the steep and precipitous slopes on the principles of protection where only dead trees may be removed.

(b) Pasturing of cattle:—

(i) Not more than 2 heads of horned cattle per acre shall be allowed to be grazed in the area.

(ii) Sheep shall be allowed to graze in specified area approved by the Divisional Forest Officer, ~~Belgaum.~~ but limited to the carrying capacity and goats at the rate of not more than 2 per hundred sheep as prescribed in Article 122 (v) of the Bombay Forest Manual, Vol. III.

(c) Girdling of trees shall not be permitted unless the removal of tree is sylviculturally desirable.

(d) Tapping of trees shall be allowed in the manner and during the period as may be prescribed for different species by the Divisional Forest Officer, ...Belgaum.

(e) Stripping off bark of trees shall not be allowed unless otherwise specifically permitted by the Divisional Forest Officer, ...Belgaum.

(f) Stripping of leaves of fodder tree shall be permitted by rotation and in the manner prescribed by the Divisional Forest Officer,.....Belgaum.....

(g) Lopping of trees of the species other than those mentioned under A (d) shall be permitted in the manner prescribed by the Divisional Forest Officer, Belgaum.

(h) Clearing of under growth shall not be allowed except under the privileges sanctioned by Government for the neighbouring Government Forests.

(i) Pollarding of economic species such as Apta, Temburni and other species useful as lac hosts shall be allowed by rotation during the period and in the manner prescribed by the Divisional Forest Officer, ...Belgaum.

(j) Cutting of trees shall be regulated according to girth limits prescribed by the Divisional Forest Officer, Belgaum... with due consideration to sylvicultural requirements of the crop. Rules in this connection are enclosed herewith. Trees to be felled or retained, whichever are less in number shall be marked according to the prescriptions laid down by the Divisional Forest Officer, Belgaum.

(k) Quarrying shall be done only in the places approved by the Divisional Forest Officer, Belgaum. Quarrying shall not be permitted if sacrifice of good tree growth is involved.

(l) Burning of lime and charcoal shall be done preferably on flat areas taking care to see that the fire does not spread and destroy the vegetation.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 35 of the Indian Forest Act, 1927 (~~XVI~~ 16 of 1927), as in force in the Bombay Area, the Government of Mysore hereby prohibit the acts mentioned at (A) above and regulate the acts mentioned at (B) above with effect from the date of publication of this notification in the Mysore gazette.

(A) Prohibits. (A) *above*
(B) Regulate. (B) *above*

SCHEDULE.

District	Taluka	Village	S.No.	Area
				A. G.
Belgaum.	Khanapur	Devachi-hatti.	12	132-20
			13	74-05
			Total.	206-25

Boundaries.

North	East	South	West
Village boundary of Bailur.	Village boundary of Bailur	By. Nos. 14, 11, 15, 10 & 9 of Devachihatti.	Village boundary of Tovali.

By Order and in the name of the Governor of Mysore,

Deputy Secretary to Government,
Agriculture and Forest Department.

15
11

RULES FOR FELLING IN PRIVATE FORESTS.

1. All mature, dead and dying trees shall be removed irrespective of species and girth (Dying tree means the tree of which half the crown is dead).

2. At least 20 timber trees of the following important species between 18″ and 36″ in girth at breast height shall be reserved per acre well distributed in the area of exploitation.

Teak, Sissum, Karimuttal, Nandi, Honni, Heddi, Kindal, etc.

The trees to be reserved under this rule shall be sound ones. In case the trees of the species mentioned above of the minimum prescribed girth are not available equal number of trees of the maximum available girth shall be retained well distributed in the area of exploitation.

3. Soft wood species, *viz.*, Sawar, Ambada, etc., below 36″ girth at breast height shall be retained.

4. Fruit trees and trees yielding important economic forest products such as Ambad (Mango), Phanas (Jack), Kaju, Amla, Karanj, etc., shall not be cut. Over mature trees of the species may be felled after they are certified by the Range Forest Officer.

5. All sandalwood trees below 12″ girth at breast height (except dead and dying trees) shall be retained.

6. No trees of any species below and up to 12″ girth at breast height shall be allowed to be cut except those mentioned in rule 1 above. Trees of the species other than those mentioned in rule Nos. 2, 3, 4 and 5 below 12″ girth at breast height should be felled only if they are interfering with trees of the abovementioned timber and other species or likely to interfere with future coppice shoots of the timber species to be felled. Under no circumstances should large gaps be created in the canopy.

7. No area should be clearfelled on the tops of steep hills where heavy erosion is feared. Such area shall be delineated by giving tar bands at breast height to the boundary trees which shall be approved by the Range Forest Officer.

8. Trees to be reserved under rules 2, 3 and 4 should be marked with tar bands.

9. All live and sound trees to be felled shall be cut flush with the ground and the stools should be cut within 3″ of the ground level.

10. Reserved trees when infested with climbers shall be freed.

11. All dragging paths shall be refilled.

12. Before felling is started the area shall be inspected by the Range Forest Officer. He will also inspect the area after the felling is completed and furnish a certificate of the satisfactory completion of the work to the Divisional Forest Officer, Belgaum.

13. Thinning and cleaning in coppice growth shall be carried out as under:—

If the number of stems (or shoots) is more than 3 in case of stools of and over 24″ in girth at ground level, and more than 2 in the case of stools below 24″ girth at ground level, the number of stems in excess of the above number shall be cut back. The most promising stems shall be retained and bad ones shall be removed.

14. The periodicity of felling will be limited to 20 years cycle and hence the area once worked will not be allowed to go worked till 20 years have elapsed from the year of previous working.

To
The Compilor, Mysore Gazette, B'lore
for publication with direction to
supply 25 copies of the printed notify
to the DFO, Bgm & 5 copies
to the C.F., Bgm for publicity.
Copies to:-
CCF
Addl Comr. Bgm
DC, Bgm
CF. Bgm
RD / WLG

WD 05929—GPB—6,500—24-10-59

16 12

To El. one

C.C.F.

21-6-63

Sir,

Subject: — - P.U.d. -

-- 1/CF.

W/r to your letter No. B.6 - RL-33427/62 dated 3.5- 1963, on the above subject, I am directed to state that according to Sec. 35(1) of the I.F.A., the Government may, by notifications, regulate or prohibit in any forest or waste land the breaking or clearing of lands for cultivation, etc., when such regulation or prohibition appears necessary for any of the purposes specified in the said Sub-Sn., Also, under Sub-Sec. (3), a notice to the owner of the concerned forest or land calling on him to show cause why such notification should not be made, should be issued and he should be given the opportunity to file his objections and adduce any evidence which he may produce.

Issued 21/6

Hence, I am to request you to clarify whether these formalities have been observed in the present case are not, as the information is not readily available from the Case Papers.

Secondly, I am directed to state that in the draft notification subd., to Government, both the alternatives - namely, ~~in the~~ regulation or prohibi - tion are mentioned. Hence, what exactly to be done should be indicated and the irrelevant portions struck of. The Draft Notification subd., to Govt., in your letter u/r is returned herewith for resub - mission along with the above information.

Y.F.,

No. B-6-G1-33927/62.
Enc. one notificatn

Office of the Chief Conservator of Forests in Mysore Bangalore.
Dated 15 July 1963.

To

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

Sir,

Sub:-Control over private forest Survey Nos. 12 & 13 of Devachihatti, Taluka Khanapur, District Belgaum.

Ref:-Govt. letter No. AFD 51 FAF 63 dated 21-6-63.

--

The Conservator of Forests Belgaum had already issued the notice under Section 35(3) of the Indian Forest Act and it has appeared in the Government Gazette dated 14-1-1960. This has been made clear in the Conservator of Forests Belgaum's letter No. FOP-FST-1778-11/62-63 dated 15-2-1963, a copy of which has already been furnished to Government with this office letter of even No. dated 3-5-1963. The objection statement filed by the owner of the Survey Nos. and a copy of the reply sent by the Divisional Forest Officer to him are also among the papers submitted to Government.

The acts prohibeted and those to be regulated are indicated in clauses (A) & (B) of the notification and they are relevant and need no change.

So, there is no objection to issue the draft notification which is enclosed herewith for publication.

Yours faithfully,

Chief Conservator of Forests.

kcs/

GOVERNMENT OF MYSORE

No.AFD 51 FAF 63.

Mysore Government Secretariat,
"Vidhana Soudha"
Bangalore, Dated 7th Septr. 1963.

NOTIFICATION

Whereas a notice has been issued under sub-section(3) of section 35 of the Indian Forest Act, 1927, to Shri Nagoji Rao Dattaji Rao, Sirdesai Bungalow No.128 Camp, Belgaum the owner of the forest specified in the Schedule hereto annexed, to show cause why a notification under sub-section (1) of section 35 of the said Act, should not be made prohibiting and regulating the acts specified in the draft notification attached to the said notice;

And whereas the objections raised by the said owner to the issue of a notification and evidence produced by him have been heard and considered by Government;

And whereas it appears to the Government of Mysore that it is necessary:-

(a) for the conservation of trees and forests;
(b) for the preservation and improvement of soil or the protection of land against erosion or the deposit thereon of sand, stones or gravel;
(c) for the improvement of grazing;
(d) for the maintenance of water supply in springs, rivers and tanks;
(e) for the maintenance, increase and distribution of the supply of fodder, leaf manure, timber and fuel;
(f) for the preservation of public health;

(A) To prohibit in the forests specified in the said Schedule the following acts:-

(a) breaking or clearing of the land for cultivation;
(b) setting of fire to the area for the purpose of clearing the ground for Shikar or for promoting better growth of grass. If any fire occurs by accident all possible measures to extinguish it shall be taken by the owner promptly;
(c) burning of any tree in the land even if it is dead for the purpose of hunting or collection of honey;
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Teak, Mango, Sissum, Moha, Hirda, Khair, Bibbla i.e. Honni, Shivan, Chandan, Apta and Temburni; and

(B) To regulate in the forest specified in the said Schedule the following acts:-

(a) marking of trees in flat areas and moderate slopes shall be done on sylvicultural principles approved by the Divisional Forest Officer, Belgaum and in the steep and precipitous slopes on the principles of protection where only dead trees may be removed.

(b) pasturing of cattle:-

(i) not more than 2 heads of horned cattle per acre shall be allowed to be grazed in the area.

(ii) sheep shall be allowed to graze in specified area approved by the Divisional Forest Officer, Belgaum but limited to the carrying capacity and goats at the rate of not more than 2 per hundred sheep as prescribed in Article 122(v) of the Bombay Forest Manual, Vol.III.

(c) girdling of trees shall not be permitted unless the removal of tree is sylviculturally desirable.

(d) tapping of trees shall be allowed in the manner and during the period as may be prescribed for different species by the Divisional Forest Officer, Belgaum.

(e) stripping off bark of trees shall not be allowed unless otherwise specifically permitted by the Divisional Forest Officer, Belgaum.

(f) stripping of leaves of fodder tree shall be permitted by rotation and in the manner prescribed by the Divisional Forest Officer, Belgaum.

(g) lopping of trees of the species other than those mentioned under A(d) shall be permitted in the manner prescribed by the Divisional Forest Officer, Belgaum.

(h) clearing of under growth shall not be allowed except under the privileges sanctioned by Government for the neighbouring Government Forests.

(i) pollarding of economic species such as Apta, Temburni and other species useful as lac hosts shall be allowed by rotation during the period and in the manner prescribed by the Divisional Forest Officer, Belgaum.

(j) cutting of trees shall be regulated according to girth limits prescribed by the Divisional Forest Officer, Belgaum with due consideration to sylvicultural requirements of the crop. Rules in this connection are enclosed herewith. Trees to be felled or retained, whichever are less in number shall be marked according to the prescriptions laid down by the Divisional Forest Officer, Belgaum.

(k) quarrying shall be done only in the places approved by the Divisional Forest Officer, Belgaum. Quarrying shall not be permitted if sacrifice of good tree growth is involved.

(l) burning of lime and charcoal shall be done preferably on flat areas taking care to see that the fire does not spread and destroy the vegetation.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 35 of the Indian Forest Act, 1927 (16 of 1927), as in force in the Bombay Area, the Government of Mysore hereby prohibit the acts mentioned at (a) above and regulates the acts mentioned at (B) above with effect from the date of publication of this notification in the Mysore Gazette.

SCHEDULE.

District	Taluka	Village	S.No.	Area
				A.G.
Belgaum	Khanapur	Devachi-hatti.	12	132.20
			13	74.05
				206.25

Boundaries.

North	East	South	West
Village boundary of Bailur.	Village boundary of Bailur	Sy.Nos.14,11, 15,10 & 9 of Devachihatti.	Village boundary of Tovali.

By Order and in the name of the
Governor of Mysore,

T.S. Ramaiya
(T.S. Ramaiya)
Under Secretary to Government,
Agriculture & Forest Department.

To

The Compiler, Mysore Gazette, Bangalore for publication with direction to supply 25 copies of the printed Notification to the Divisional Forest Officer, Belgaum and 5 copies to the Conservator of Forests, Belgaum for publicity.

Copies to:-

The Chief Conservator of Forests in Mysore, Bangalore.

The Divisional Commissioner, Belgaum.

The Deputy Commissioner Belgaum.

The Conservator of Forests, Belgaum.

The Revenue Department.

Weekly Gazette.

MIH
MGS/MS/

RULES FOR FELLING IN PRIVATE FORESTS.

1. All mature, dead and dying trees shall be removed irrespective of species and girth (Dying tree means the tree of which half the crown is dead).

2. 20 timber trees of the following important species between 18" and 36" inches in girth at breast height shall be reserved per acre well distributed in the area of exploitation.

   Teak, Sissum, Karimuttal, Nandi, Honni, Heddi, Kindal etc.,

   The trees to be reserved under this rule shall be sound ones. In case the trees of the species mentioned above of the minimum prescribed girth are not available, equal number of trees of the maximum available girth shall be retained well distributed in the area of exploitation.

3. Soft wood species Viz., Sawar, Ambada etc. below 36" girth at breast height shall be retained.

4. Fruit trees and trees yielding important economic forest products such as Amba (Mango), Phanas (Jack), Kaju, Amla, Karanj, etc. shall not be cut. Over mature trees of these species may be felled after they are certified by the Range Forest Officer.

5. All sandalwood trees below 12" girth at breast height (except dead and dying trees) shall be retained.

6. No trees of any species below and upto 12" girth at breast height shall be allowed to be cut except those mentioned in rule 1 above. Trees of the species other than those mentioned in rule Nos.2,3,4 and 5 below 12" girth at breast height should be felled only if they are interfering with trees of the above mentioned timber and other species or likely to interfere with future coppice shoots of the timber species to be felled. Under no circumstances should large gaps be created in the canopy.

7. No area should be clearfelled on the tops of steep hills where heavy erosion is feared. Such area shall be delineated by giving tar bands at breast height to the boundary trees which shall be approved by the Range Forest Officer.

8. Trees to be reserved under rule 2,3 and 4 should be marked with tar bands.

9. All live and sound trees to be felled shall be cut flush with the ground and the stools should be cut within 3" of ground level.

10. Reserved trees when infested with climbers shall be freed.

11. All dragging paths shall be refilled.

12. Before felling is started the area shall be inspected by the Range Forest Officer. He will also inspect the area after the felling is completed and furnish a certificate of the satisfactory completion of the work to the Divisional Forest Officer, Dharwar.

13. Thinning and cleaning in coppice growth shall be carried out as under:-

    If the number of stem (or shoots) is more than 3 in case of stools of and over 24" in girth at ground level, and more than 2 in case of stools below 24" girth at ground level, the number of stems in excess of the above number shall be cut back. The most promising stems shall be retained and bad once shall be removed.

14. The periodicity of felling will be limitted to 20 years cycle and hence the area once worked will not be allowed to be worked till 20 years have elapsed from the year of previous working.

MGS/MS.100 copies.

GOVERNMENT OF MYSORE

No.AFD 51 FAF 63.

Mysore Government Secretariat,
"Vidhana Soudha"
Bangalore, Dated Septr.1963.

7/10/63.

NOTIFICATION

Whereas a notice has been issued under sub-section(3) of section 35 of the Indian Forest Act, 1927, to Shri Nagoji Rao Dattaji Rao, Sirdesai Bungalow No.128 Camp, Belgaum the owner of the forest specified in the Schedule hereto annexed, to show cause why a notification under sub-section (1) of section 35 of the said Act, should not be made prohibiting and regulating the acts specified in the draft notification attached to the said notice;

And whereas the objections raised by the said owner to the issue of a notification and evidence produced by him have been heard and considered by Government;

And whereas it appears to the Government of Mysore that it is necessary:-

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(e) for the maintenance, increase and distribution of the supply of fodder, leaf manure, timber and fuel;
(f) for the preservation of public health;

(A) To prohibit in the forests specified in the said Schedule the following acts:-

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(a) marking of trees in flat areas and moderate slopes shall be done on sylvicultural principles approved by the Divisional Forest Officer, Belgaum and in the steep and precipitous slopes on the principles of protection where only dead trees may be removed.

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(i) not more than 2 heads of horned cattle per acre shall be allowed to be grazed in the area.

(ii) sheep shall be allowed to graze in specified area approved by the Divisional Forest Officer, Belgaum but limited to the carrying capacity and goats at the rate of not more than 2 per hundred sheep as prescribed in Article 122(v) of the Bombay Forest Manual, Vol.III.

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Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 35 of the Indian Forest Act, 1927 (16 of 1927), as in force in the Bombay Area, the Government of Mysore hereby prohibit the acts mentioned at (a) above and regulates the acts mentioned at (B) above with effect from the date of publication of this notification in the Mysore Gazette.

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District	Taluka	Village	S.No.	Area
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District	Taluka	Village	S.No.	Area
				A.G.
Belgaum	Khanapur	Devachi-hatti.	12	132.20
			13	74.05
				206.25

GOVERNMENT OF MYSORE

No.AFD 51 FAF 63.

Mysore Government Secretariat,
"Vidhana Soudha"
Bangalore, Dated Septr.1963.

NOTIFICATION

Whereas a notice has been issued under sub-section(3) of section 35 of the Indian Forest Act, 1927, to Shri Nagoji Rao Dattaji Rao, Sirdesai Bungalow No.128 Camp, Belgaum the owner of the forest specified in the Schedule hereto annexed, to show cause why a notification under sub-section (1) of section 35 of the said Act, should not be made prohibiting and regulating the acts specified in the draft notification attached to the said notice;

And whereas the objections raised by the said owner to the issue of a notification and evidence produced by him have been heard and considered by Government;

And whereas it appears to the Government of Mysore that it is necessary:-

(a) for the conservation of trees and forests;
(b) for the preservation and improvement of soil or the protection of land against erosion or the deposit thereon of sand, stones or gravel;
(c) for the improvement of grazing;
(d) for the maintenance of water supply in springs, rivers and tanks;
(e) for the maintenance, increase and distribution of the supply of fodder, leaf manure, timber and fuel;
(f) for the preservation of public health;

(A) To prohibit in the forests specified in the said Schedule the following acts:-

(a) breaking or clearing of the land for cultivation;
(b) setting of fire to the area for the purpose of clearing the ground for Shikar or for promoting better growth of grass. If any fire occurs by accident all possible measures to extinguish it shall be taken by the owner promptly;
(c) burning of any tree in the land even if it is dead for the purpose of hunting or collection of honey;
(d) lopping of trees of the following species for the purpose of tanning or collection o
Teak, Mango, Sissum, Moha, Hirda, Khair, Bibbla i.e. Honni, Shivan, Chandan, Apta and Temburni; and

(B) To regulate in the forest specified in the said Schedule the following acts:-

(a) marking of trees in flat areas and moderate slopes shall be done on sylvicultural principles approved by the Divisional Forest Officer, Belgaum and in the steep and precipitous slopes on the principles of protection where only dead trees may be removed.

(b) pasturing of cattle:-

(i) not more than 2 heads of horned cattle per acre shall be allowed to be grazed in the area.

(ii) sheep shall be allowed to graze in specified area approved by the Divisional Forest Officer, Belgaum but limited to the carrying capacity and goats at the rate of not more than 2 per hundred sheep as prescribed in Article 122(v) of the Bombay Forest Manual, Vol.III.

(c) girdling of trees shall not be permitted unless the removal of tree is sylviculturally desirable.

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(e) stripping off bark of trees shall not be allowed unless otherwise specifically permitted by the Divisional Forest Officer, Belgaum.

(f) stripping of leaves of fodder tree shall be permitted by rotation and in the manner prescribed by the Divisional Forest Officer, Belgaum.

(g) lopping of trees of the species other than those mentioned under A(d) shall be permitted in the manner prescribed by the Divisional Forest Officer, Belgaum.

(h) clearing of under growth shall not be allowed except under the privileges sanctioned by Government for the neighbouring Government Forests.

(i) pollarding of economic species such as Apta, Temburni and other species useful as lac hosts shall be allowed by rotation during the period and in the manner prescribed by the Divisional Forest Officer, Belgaum.

(j) cutting of trees shall be regulated according to girth limits prescribed by the Divisional Forest Officer, Belgaum with due consideration to sylvicultural requirements of the crop. Rules in this connection are enclosed herewith. Trees to be felled or retained, whichever are less in number shall be marked according to the prescriptions laid down by the Divisional Forest Officer, Belgaum.

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(l) burning of lime and charcoal shall be done preferably on flat areas taking care to see that the fire does not spread and destroy the vegetation.

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			13	74.05
			(i)	206.25
			(ii)	

GOVERNMENT OF MYSORE

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			13)	74.05
			(11)	206.25

Boundaries.

North	East	South	West
Village boundary of Bailur.	Village boundary of Bailur	Sy.Nos.14,11, 15,10 & 9 of Devachihatti.	Village boundary of Tovali.

By Order and in the name of the
Governor of Mysore,

T.S. Ramaiya
(T.S. Ramaiya)
Under Secretary to Government,
Agriculture & Forest Department.

To

The Compiler, Mysore Gazette, Bangalore for publication with direction to supply 25 copies of the printed Notification to the Divisional Forest Officer, Belgaum and 5 copies to the Conservator of Forests, Belgaum for publicity.

Copies to:-

The Chief Conservator of Forests in Mysore, Bangalore.

The Divisional Commissioner, Belgaum.

The Deputy Commissioner Belgaum.

The Conservator of Forests, Belgaum.

The Revenue Department.

Weekly Gazette.

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MGS/MS/

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Boundaries.

North	East	South	West
Village boundary of Bailur.	Village boundary of Bailur	Sy.Nos.14,11, 15,10 & 9 of Devachihatti.	Village boundary of Tovali.

By Order and in the name of the
Governor of Mysore,

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(T.S. Ramaiya)
Under Secretary to Government,
Agriculture & Forest Department.

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